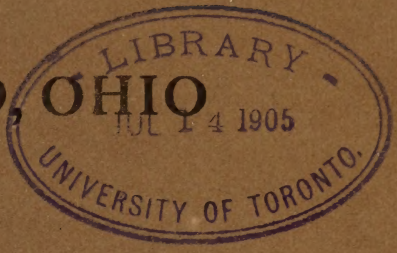
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A HISTORY OF THE CITY GOVERNMENT OF

CLEVELAND, OHIO



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—BY—

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PART I.

CLEVELAND IN THE FORMATIVE PERIOD.

CHAPTER III.

Cleveland Under the Charter of 1836.

The New England plan of holding town meeting for the purpose of transacting business of the municipality, and for the popular discussion of public matters never obtained in the Middle States, at least, not in Ohio. Charter changes in Cleveland have usually come about through the efforts of a comparatively small body of men who discussed the matters among themselves and then presented bills, embodying their views, to the General Assembly. That was the way the charter of 1836 came into being. This new charter was passed by the General Assembly March 6, 1836.

The institutions which had taken form under the old charter were given greater expansion in the more firmly articulated organism of the new. There were no radical changes in the new instrument except in the financial powers. It was an embodiment of those institutions which the needs of the past two decades had erected. The new charter followed closely the outlines of the old village charter, and might be called an enlargement of the old.

The Executive.

In place of the village president was provided the mayor of the city, sustaining the same relation to the city and council which the village president sustained to the village and its board of trustees. His tenure of office was the same. His powers were greater to be sure, but the increase was not in proportion to the increase in the powers of the council. He was the presiding officer of the legislative body, and rendered the decision in case of a tie vote, thus

exercising legislative as well as executive powers.[1] He was vested with the powers of a justice of the peace, and in all cases of violation of ordinances of the city he was clothed with exclusive original jurisdiction.[2] By this charter the mayor was made a local police officer for the State, being charged to see that the laws of the State as well as the ordinances of the city were obeyed.[3] He was made a general superintendent over the subordinate officers of the city,[4] which was not a specific duty of the village president. The greater part of mayor's duties consisted of hearing complaints and of performing the functions of a police judge.

Being an organic part of the council[5], the mayor became more or less intimately associated with the administrative work of that body. Through the appointment of committees the mayor's power in directing the policy of the administration was considerable, though his specified powers were not great, and all powers not delegated resided in the council. Under the village administration a great deal of the executive work was done by committees appointed for specified purposes, but under the charter of 1836 the administrative duties of the council began to be performed by standing committees.

These eight standing committees (Finance, Licenses, Streets, Harbors Wharves and Public Grounds, Judiciary, Market, Fire and Water, and Claims) were appointed by the mayor as were all other committees "unless otherwise directed by the council."[6] The mayor was even made a member of some of these committees, at the request of the council.[7] The actual practice of the council was to confer more powers on the mayor than the charter itself would indicate. He performed some of the duties which would now fall to the city clerk or the auditor, since they were of a fiscal nature.[8] However, the independent power of the mayor was insignificant. His influence in directing the policy of the city government depended upon the degree of harmony existing between himself and the legislative branch. Happily, the records indicate that this relation was always most cordial. The mayor was elected by popular vote for a term of one year. The veto power was not one of the mayor's

1 Charter of 1836, sec. 4.
2 Ibid
3 Ibid.
4 Charter of 1836, sec. 4.
5 Ibid.
6 Rules and Orders of the Common Council of Cleveland, Rule 4.
7 Council Proceedings 1836, June 9.
8 Council Proceedings 1836, June 9.

functions at this time. As a general superintendent of affairs the mayor recommended to the consideration of the council such measures as he deemed expedient.[1]

The Legislative Body.

In the place of the three village trustees was erected the city council, which was composed of three councilmen from each of the wards, and as many aldermen as there were wards in the city.[2] These two classes of members were elected by popular vote for a term of one year. The councilmen were elected by wards while the aldermen were elected by vote of the entire city, but no two of the aldermen could be residents of the same ward. Though composed of two kinds of members the council was unicameral. The city was divided into three wards, but the council had power to change, increase or diminish this number whenever it saw fit.[3] The original ward boundaries were extended from time to time to take in the additional territory annexed to the corporation, but the number of wards remained unchanged for fifteen years. The territorial growth of the city during these fifteen years had made the administrative work of the council more complicated. To facilitate the proper execution of their duties another ward was created.[4] The ward representation in the body of councilmen was cut down about this time to two members. This change in representation returned a council consisting of the same number of members, there being a loss of one in the number of councilmen, and a gain of one in the number of aldermen. This alteration gave the legislative body greater permanence as the terms of the aldermen had been increased to three years.[5]

Inasmuch as the greater part of the administration duties fell to the council this was an important change, for there was always more or less work in the nature of improvements which, for completion, required a greater length of time than was represented by the life of one council. This increase in the number of long term members introduced greater efficiency by having on the executive committees more members who were familiar with the unfinished improvements.

1 Charter of 1836, sec. 4.
2 Charter of 1836, sec. 2.
3 Charter of 1836, sec. 3.
4 Act of March 26, 1851.
5 Act of February 8, 1847.

Up to March 20, 1841, the members of the council received one dollar per day for all regular or special meetings of that body. The question of council remuneration was discussed in the council at different times. A resolution was introduced in 1840 looking to the abolishment of salaries of council members.[1] The resolution was amended so as to include the salaries of all city officers. The measure was hardly to be taken seriously, and was laid on the table. But council remuneration was abolished in 1841.

The powers of the council were enumerated in the charter in detail. These powers may be classified roughly as follows. Powers relating to, city property, finance, health, fire, harbors and wharves, justice, licenses and fees, ordinances, police, public offices and officers, taxes and assessments, public safety, streets and highways, and public education.

This was pre-eminently a period of council government. The mayor held the seal of the city and was the incarnation of its dignity, but aside from his police duties his labors were not onerous, as the greater part of the administrative work was in the hands of the council. The municipal patronage was at the disposal of the legislative department. It created all subordinate offices and appointed their incumbents. On the organization of the council each year it was deluged with petitions asking for appointment to the subordinate offices at its disposal, from city clerk to bell ringer. This was in keeping with the general practice of municipalities at this time, but the weakness of the system is too apparent to call for any comment.

Finance.

As already observed, one of the reasons for the change from the village to the city organization was fiscal. The taxing powers was limited to one per cent. on the assessed value of the taxable property within the village. This amount of revenue was somewhat augmented by fines and by licenses for taverns and certain other kinds of business. These, however, yielded a very uncertain return, especially was this true in the matter of fines. The borrowing power, too, was limited to the amount of tax for the current year.

1 Council Proceedings, 1840, Feb. 12.

This was too restricted for the needs of a growing city. The change in the taxing power under the city charter was a very radical one. Instead of being limited to a one per cent. rate as before, the council was given unlimited taxing power, a very wide and dangerous liberty. This unrestricted privilege was not abused, but the rate was usually fixed at a very reasonable per cent. Up to 1840 the rate varied little, but was kept pretty close to a five-mill levy. The rate in 1839 was fixed at four mills which was probably too low, for the next year it was raised to seven mills. This was considered a hign rate and led to the passage of an act by the General Assembly limiting the rate for general purposes to five mills on the dollar.[1]

In addition to the tax of five mills on the dollar for general purposes, there was a tax of one mill for public instruction, and the same amount for the purchase of school sites and the erection of school buildings, and the discriminating tax for permanent improvements.

Borrowing power like the taxing power was without legal limit as to amount. The council could borrow for the discharge and liquidation of any debt of the city, either present or prospective, or for the redemption of any loan and for interest charges.[2] The revenues and the property of the city stood as a pledge for the payment of these loans under such conditions as the council might determine upon. An ordinance for a loan required the approval of two thirds of the members at two different sessions, with a period of two weeks intervening. An unlimited borrowing power in the hands of a municipal corporation is always a questionable power. However the defect which manifested itself soonest in this feature of the charter of 1836 lay in the fact that the council could make a loan without making any provision at the time for its payment. In 1837 a resolution was offered providing for a loan of $50,000 on the plea that certain improvements were needed, and it would not be good policy to levy a tax for them.

This course may have been good policy, but it was bad financiering as later history shows, for loans were sometimes allowed to run on to time of maturity before provision was made for redemption, which resulted in a burden of maturing obligations and called for a refunding of the city's

1 Act of March 20, 1841. 2 Charter of 1836, sec. 14.

debts.[1] This policy was particularly bad inasmuch as a rapidly growing city has a heavy yearly expense to provide for the demands of needed improvements without bearing the entire burden of those made years before.

The treasurer had nothing to do with shaping the financial policy of the city. That resided with the council, and was practically dictated by the council committee on finance.

The sources of revenue were about the same as under the old charter. Licenses began to play an important part in the police regulations, and yielded no inconsiderable revenue. Besides tavern keepers' and grocers' licenses a tax was laid on theaters and shows. The poll tax having been declared "grevious and oppressive" by the state constitution[2] no poll tax could be levied for state or county purposes, but it was levied every year for local purposes. The return from this tax was spent on the public highways. It could be paid either in labor, or in money. The greater part of it was paid in labor. In addition to the revenue which accrued from the general property tax and the other sources already mentioned the market rents and the fees charged for services of a quasi-public nature contributed several hundred dollars annually to the public funds. The greater part of the revenue was derived from the general property, and the discriminating tax. As most property at that time was tangible and therefore not easily concealed from the eye of the lister the general property tax system was fairly satisfactory. Resolutions were introduced on two separate occasions in 1844 to tax brokers but the necessary support was not secured for their enactment. Looking at the financial records of the city at the end of the first decade we find the receipts stand as follows:[3]

Received	from	general tax for 1847	$6,880.02
"	"	inspectors license	375.00
"	"	tavern license	22.53
"	"	sale of cemetery lots	881.34
"	"	proceeds of hay scales	391.41
"	"	proceeds of public docks	135.49
"	"	rent of market stalls	543.12
"	"	other sources	528.53
Total			9,957.44

1 Council Proceedings, 1845, July 3.
2 Constitution of Ohio, art. 12, sec. 1.
3 These figures were taken from the city clerk's report published in Cleveland Plain Dealer, April 12, 1848.

These receipts do not include the school fund which amounted to about nine thousand dollars. There had been overdrawn orders on the general fund which when added to the general receipts made a grand total of proceeds for the year of $13,188.16. The poll tax for 1847 yielded $1200, about two-thirds of which was paid in money and one-third in labor on the highways. The expenditures for the year for general expenses were $11,571.87. Of this amount $2,036 were paid as interest charges on bonds the interst on which evidently had not been paid the previous year. Deducting the interest charges we have $9,535.04, the amount of general expenditures exclusive of interest, which indicates a fair degree of economy in the financial administration. There was an apparent balance in the treasury at the end of the year of $1,616.29. But as most of this balance was in the form of orders drawn on the current fund and not redeemed, the treasury was not relieved from embarrassment by the presence of this balance. Money was scarce in this pioneer country, and the collection of taxes in sufficient quantity to meet the expenses of the city government was next to impossible.[1] The general financial crash of 1837 added to the confusion and disorganization of local financial affairs. To relieve the local monetary stringency the council authorized the mayor to issue interest bearing treasury notes "for the liquidation of debts against the city."[2] These notes passed from hand to hand, were tenderable to the collector of taxes, and to the treasurer for licenses.[3] Had the council made some slight provision for the redemption of these notes it might have tided the city over the financial crises without serious embarrassment. But as it made no provision for their redemption the notes soon depreciated in value until they were worth only 62½ cents on the dollar.[4] This depreciation was due not alone to the fact that the treasurer could not pay the notes, but as well to the fact that he was unable to meet the interest charges.[5] In 1847 about $8000 of immediate indebtedness of the corporation was in city orders in the hands of the citizens. The depreciated value of these orders was extremely demoralizing to the credit of the government, inasmuch as persons furnishing labor or supplies charged from 20 per cent. to 30 per cent.

1 Council Proceedings, 1836, July 27.
2 Ibid, 1836, May 25.
3 Ibid.
4 Mayor's Inaugural, 1847.
5 Ibid.

more than the labor or supplies were worth, and the council allowed the bills. This demoralized condition of finances continued until Henry B. Payne, a member of the council, came forward with a plan to relieve the disorganized condition of the financial department, in 1847.[1] His plan was to fund the city's debts by computing the interest on the outstanding orders up to March 15, 1848, to issue new bonds for the amount, one-fourth to be paid March 15, 1848, and the remainder in three equal installments. with interest payable annually from the above date. The orders issued for the claims accruing for the general expenses of the current year were made payable March 15, 1848. These orders only, and money were receivable for the general taxes of 1847. Mr. Payne's plan was adopted. The finance committee refunded the outstanding orders of the city, and the mayor issued new bonds for these orders on the requisition of the committee. A special tax was satisfied on the tender of money only. This measure introduced some system into the financial administration of the city. The city fathers had learned by experience that the obligations of the corporation could be met only by providing a specific fund to meet the same when they fell due. The experience of the first ten years had demonstrated beyond question that treasury notes or city orders can not safely be received in payment of taxes unless it be in anticipation of revenue from some other source. The period just treated was marked by retrenchment in salaries of officers, that of the council having been taken away entirely, while the mayor's pay was reduced first, to $395 a year, and then to $100 a year.

In May, 1836, the debt of the city was $23,885.77,[2] or something near $4 per capita. This was an inheritance from the village corporation and had come about through permanent improvements which involved a good deal of litigation and heavy damage claims. The chief additions to this debt in the first ten years under the city charter were $6000 in Academy bonds, and $7,820 in Lake Shore bonds issued to raise revenue to protect and improve the lake front. At the end of the first decade the liabilities of the city stood as follows.

1 Council Proceedings, 1847, July 3. 2 Council Proceedings, 1836, May 9.

Academy Lot Bonds at 6 per cent	$6,000
Lake Shore Bonds at 7 per cent	7,820
Installment on School Lot	264
Deferred payment of funded debt	7,314
Immediate indebtedness	1,500
Total	22,898

These figures indicate that the city debt was a fairly constant quantity, and that expenditures were not governed by the annual income. The budget had little influence in limiting the expenses of the departments. The rate limit was fixed by the state legislature, but this was rendered nugatory by overdrawing orders against the funds, and after a term of years funding the debt by an issue of bonds. During the remainder of this period there was little change in the financial condition until the last three years under the charter of 1836. From 1849 to 1852 the debt had more than doubled, being in the latter year about $55,000. The receipts from general taxes were more than doubled too, but the revenue was not sufficient to meet the expenses. The additional expense calling for this increase in revenue was due to additional expenditures in the fire and school departments and for lighting purposes.

In 1846 the city embarked in railroad enterprise. The question had been voted upon at the spring election and received the hearty endorsement of the voters. Accordingly $100,000 in Cleveland, Columbus and Cincinnati stock was subscribed for, and city bonds to that amount were issued in payment. The next year $100,000 additional stock in the same road was taken. The interest on these bonds was met by annual assessment for interest charges. In 1848 the voters were called upon again to decide on a subscription to the Cleveland and Pittsburgh road. The vote was almost unanimous for the subscription.[1] This road, one hundred miles in length, connected the Ohio Valley with the lake, and passed through rich coal fields. The return from these investments will be discussed later. Besides the benefit derived from these roads through increased traffic there was another economic result. The protection of the lake front against the encroachments of the water had been

1 Cleveland Plain Dealer, April 4, 1848.

difficult and expensive. In 1849 the council sold to the C., C. & C. railroad company a strip along the shore, for which the company paid $15000 in their stock. The city reserved 132 feet in width for landing purposes for boats at the end of the pier, and guaranteed to other railroad companies the use of the lake shore, and relieved the city of further expense and anxiety in that direction. The city's interest in railroad investments came to an end under the new state constitution adopted in 1851. The constitutional convention was petitioned to take from cities the power to subscribe for rail road stock. The argument advanced was that it was unjust for those who had no property and therefore paid no taxes to saddle upon property owners the debts incurred by embarking in railroad ventures. Then too, it was urged that those enterprises added nothing to the value of merchandise and personal property, but only to real property.[1] But perhaps the fact that some cities came to grief by subscribing to private enterprise was the most potent factor in introducing a prohibitory clause into the state constitution of 1851.

Streets.

The old English Plan of caring for the highways by compelling the inhabitants to furnish labor[2] was adopted in the village, and continued in the city. The council appointed one or more supervisors to direct the work on the streets. The road tax levied by law was collected by the treasurer of Cuyahoga County who turned it over to the city treasurer to be expended on the streets under the direction of the council. The supervisor was given a per cent. on the amount of poll tax he collected which led to a pretty careful collection of the revenue from this source. The poll tax furnished about one-fifth of the road funds. All male citizens between the ages of twenty-one and fifty-five years of age were charged with this tax. The expense of grading highways was not so great as in some cities, the soil being of a loose sand, and therefore easily broken up.

Department of Police.

It was enjoined upon both the mayor and council to preserve the good order of the city, but the active police duties

1 Cleveland Plain Dealer, April 5, 1851.
2 Allinson & Penrose, "Philadelphia," P. 25."

were vested in the city marshal, who as to tenure of office was independent of both mayor and council, being annually elected by popular vote.[1] But while the marshal was independent of the council in tenure of office, the council exercised more or less direct control over him. It fixed his salary, his bond, prescribed his duties, and its ratification of his deputy appointment was necessary, while it held him strictly to account for the official acts of his assistants, but for his own official acts he was responsible directly to the people.

The first change in the charter of 1836 introducing immediate accountability was in the department of police, by which change the removal of the marshal and his dputies was made a right of the council.[2] Removals could be made only for neglect of duty or other good cause, and the marshal had to be notified specifically of the charges preferred against him and given a hearing in his defense.

Fire Department.

The earliest attempts on the part of the city to prevent ravages by fire were the providing of public wells and cisterns at convenient places. Various fire brigades and hook and ladder companies were organized in different parts of the city. These, as is the case in the infancy of most cities, were strictly volunteer organizations. These continued to be the basis of organization as late as 1862. In 1829 the village trustees had invested $285 in a fire engine.[3] Here historically, we may say, was the beginning of the fire department.

The council during the first years of its existence passed considerable legislation, mostly of a precautionary nature, such as describing the manner in which stove pipes be inserted into the chimneys, how combustibles be kept, etc.[4] Every household containing one fire place or stove was required to keep "one good painted, leathern fire bucket;" every household containing two or more fire places or stoves was to keep two such buckets, and one additional bucket for every two additional fires or stoves.[5]

1 Charter of 1836, sec. 4.
2 Act of Feb. 18, 1848.
3 Magazine of Western History, Vol. 4, p. 74.
4 Act of May 7, 1836.
5 Act of Nov. 30, 1836.

In 1837 a fire warden was appointed for each ward, and whenever ordered by the council made examination of all houses in his ward to ascertain their condition regarding danger from fire. The general assembly of the state encouraged the organization of volunteer companies by granting privileges and immunities to members.[1] Active members were free from military duty during time of peace, exempt from labor on the highways, and from serving as jurors. After five years of service members were forever free from the above duties so long as they resided within the city. The chief of the fire department received a salary of $150 per year for his services, while the other members of the department received one dollar per day for each day they were in attendance to operate the engine. The organization of the department was vested in the council, but the council was controlled to a great extent by the wishes of the companies, allowing them to suggest names for chief engineer and two assistants.[2] This custom was enacted into a law,[3] and the companies then completed their own organization.

Tavern Licenses.

Under the act of incorporation of 1836 the city council was given authority to grant licenses to tavern keepers, etc. In 1839 the power was taken from the council and lodged in the Court of Common Pleas. There is no hint in the council proceedings nor in the local press of this time as to the cause for this change. But when, in 1845 an effort was made to vest in the council the right to appoint beef inspectors, the matter was referred to a select committee of the council as a subject for report. The majority report was against the measure. As an argument in favor of the report the majority affirmed that the transfer of power, from the council to the Court of Common Pleas, to grant tavern liceses was made on the petition of many of the best and most influential citizens of Cleveland. The power was a charter power of the council but was looked upon as interefering with the elections and other insterests of the city government, as it gave the council a dangerous patronage.[4] The change was a disappointment, as might have been expected, for there was the

1 Act of Feb. 8, 1847.
2 Council Proceedings, 1836, May 18.
3 Ibid, 1847, August 7.
4 Majority Report, published in the Cleveland Herald, January 15, 1845.

same temptation to the judge as to the council to have a strong following and to use his patronage to that end. The judicious exercise of the license power was essential to the best interests of the city. The council by its charter was the guardian of these interests, and was charged with the preservation of good order in the taverns and other places of entertainment in the city. Yet the police power of regulation by license was lodged in other hands, and was not exercised by the council.[1]

For a time the principle of "home rule" was applied to the regulation of the liquor traffic, authority having been given to citizens to determine whether there should be license or no license. Later the council passed a resolution praying the General Assembly to repeal so much of the law as required a vote for license or no license relating to Cleveland, and provide for the appointment of three commissioners by the court, to issue licenses to proper applicants on payment of the license charges.[2] The request was not granted but two years later the essence of the resolution was incorporated in a law. Instead of vesting the appointing power in the court it was given to the council. This change gave the council an indirect power over licenses by vesting their issue in a board of excise commissioners appointed by the council. License fees ranged from $20 to $100. The license law was omitted from the constitution of 1851.

Poor Relief.

The charter gave the council authority to provide for the relief of the poor, but nothing was done in the way of building a city poor house until 1849, at which time the council was authorized to levy a tax for one or more years for the purpose of erecting and maintaining a poor house for the poor and indigent of the city.[3] The care of the poor had devolved upon the township trustees. The city had leased to the township, grounds within the city limits for the erection of a poor house. In as much as nineteen-twentieths of the expense of erecting and maintaining the institution fell upon the citizens of Cleveland, the township trustees presented the lease and the poor house to the city, praying the authorities

1 Cleveland Herald, November 28, 1845
2 Council proceedings, 1848, Jan. 9.
3 Act of March 13, 1849.

to accept it, as they could care for the poor better than the township. The only condition of surrender was that the city should take care of its own poor. The council accepted the condition and the gift.[1]. There was a general increase of pauperism at this time owing to the financial depression of 1837. There were many depending on the poor relief who were able and apparently willing to work but work was not to be had.[2] This charge brought a revulsion. The council refused to vote the budget. Finally on the recommendation of the mayor the council voted the annual budget with the proviso that no part of the general tax be devoted to the support of the poor, that the return from tavern and grocers' licenses and fines be appropriated to that purpose.[3] This sentiment prevailed, and the council voted the annual budget. The refusal of the council to vote the budget was not because it objected to caring for the poor, but because it was averse to having this function depending upon the city government. On the refusal of the council to perform these duties the township trustees again took up the burden.[4] The whole weight of the work was not thrown upon the trustees. The council took measures for the building of a city hospital where it might take care of the sick.

The cholera had found its way to the city and precautionary measures were necessary to guard against its ravages. The hospital was put under the management of the board of health which was in reality a council committee. This arrangement continued for about twelve years, when the city built a city poor house. The entire management of this institution was vested in a board of trustees, the council having the right only to make the tax levy.

Sanitary Regulations.

The sanitary regulations of Cleveland first took the form of council ordinances. The marshal and his deputies were expected to exercise vigilance as they made their rounds over the city. The superintendent of markets looked after the sanitary condition of the stalls and grounds. Butchers and venders of meat were to be cleanly clad, while dogs and offensive animals were to be kept out of the market stalls. The

1 Council Proceedings, 1837, April 19.
2 Ibid, 1838, Jan. 31.
3 Council Proceedings, 1838, June 6.
4 Ibid, 1839, July 25.

first board of health in the city was appointed in 1836 by the council, and consisted of the mayor and four other members of the legislative branch of the government.[1] The board of health was not a permanent agent of administration, but was allowed to pass out of existence when the cause for which it was created was removed. It was not called into existence again until the fear, or actual presence, of some infectious or contagious disease called for sanitary regulations.

The General Assembly in 1850 empowered the council to organize a board of health, from which time the board became a permanent institution, and an agent separate from the council. The council was still represented on the board through its clerk, who was also clerk of the board of health.[2] Executive concentration was sought by naming one of the members "acting members" and paying him for his services.

Street cleaning, which is an important item in producing good sanitary conditions, did not receive much attention. Owners and occupants of lots abutting certain streets were to clean these streets, lanes and sidewalks thoroughly, once a fortnight, from April to November. Superior street which was the pricipal business street was to be cleaned every Friday morning. The dirt collected in heaps by the property owners was carted away at the city's expense.

Public Franchises.

The problem of dealing with private corporations under the first charter did not carry with it many difficulties, for corporations had not yet taken on such proportions, and did not perform such an important part in the affairs of the city as at present. Among the first franchises granted to private corporations was that granted in 1849 to the Cleveland Gas Light and Coke Co. The city has kept a tighter hand on its gas companies than on any other corporation to which it has given privileges.

In consideration of the privilege of laying pipes in the streets the council demanded that the rates for gas furnished the city should not exceed the rate current in Cincinnati or Buffalo, and that the price to citizens must not exceed three dollars per thousand feet. The contracts with the company were entered into by the city for terms of ten years, at the

1 Council Proceedings, 1836, June 9. 2 Council Proceedings, 1850, April, 18.

end of which time the price of gas was again subject to revision. By reserving the right to fix the maximum price of gas the city has kept the rate down to reasonable figures when compared with other cities. This mode of dealing with the gas companies did not yield public revenue, but the reductions in the price of gas resulted in considerable saving to the municipality in the lighting of its streets and public places as well as to the citizens in domestic consumption.

Public Instruction.

The early schools of Cleveland were not public institutions. There was no regular system of schools and no legal provision made for their maintenance until the adoption of the charter of 1836. There were schools of a semi-public character under the village organization. Some of the citizens in their private capacity had raised a sum of money ($198.70) to build a school house. The trustees of the village in 1817 reimbursed these citizens out of the public funds and assumed sole control of the school house.[1] The trustees then rented the house to a duly qualified teacher who managed the school in accordance with his ideas of a system of education.

The school conducted in this building was free only to those children whose parents were too poor to pay for instruction.

Being authorized by the charter of 1836 to provide for the organization and support of common schools, the council began its work in 1834 by leasing buildings for school purposes until the necessary school buildings could be erected. The General Assembly fixed the maximum limit of tax for school purposes at one mill on the dollar, county valuation. The council levied but a half mill, which returned $2830. The expenditure for tuition for this year was $700 or about five dollars per pupil in attendance. The balance of the fund after paying for fuel was applied to the liquidation of the debt incurred in the erection of school buildings.

The management of the schools was then vested in a board of school managers, appointed by the council. The district was the basis of representation on the board, there being one member from each district. The districts at first were made

1 Freese's Early History of Cleveland Public Schools, p. 5.

coextensive with the wards. These, as necessity arose, were subdivided.[1] The spirit of decentralization impaired the efficiency of the early schools. There was no central authority by which uniformity could be established either in the methods of instruction and organization or in the text books used. The creation of the office of superintendent of instruction by the General Assembly in 1853 was designed to bring about centralized management, but his efforts for a time were baffled when he attempted to unite classes in the same grade. A cry went up from the local districts about their wards, their districts, their rights to a full grown school.[2]

Previous to the appointment of a superintendent of instruction an attempt had been made to secure centralization of management and responsibility by making one of the members of the board "acting manager" to whom was delegated the supervision of the "ordinary affairs" of the schools, and who received a small stipend for his services.

A rather peculiar functionary of this time was the school visitor. Visiting committees consisting of three members from each ward,[3] appointed by the council on recommendation of the school managers made occasional visits (usually once a year) to the different schools in the city, and reported to the council on the condition of the schools, and the action of the board of managers. These visiting committees were a sort of connecting link between the people and the council. They were usually the best educated men of the wards, and were selected because of personal fitness. When the number of schools was small this system of management worked fairly well. But when the number of schools had greatly increased, the demands upon the time of the acting manager were greater than he could respond to, as he received only $300 a year for his sevices. The visiting committee, which received no compensation for its services, would not give the time to their duties necessary to examine carefully the condition of the schools. The appointment of a general superintendent of instruction became necessary. Of this officer I have already spoken. The arrangement made by the board of managers was simply a transfer of the duties and salary of the acting manager to the High School Principal, who performed the duties of both principal and super-

1 Charter of 1836, secs. 19, 21.
2 Freese's Early History of Cleveland Public Schools, p. 24.
3 City Ordinances, 1856, p. 200.

intendent. In the subject of education the Western Reserve has been second to no other section of the State, especially is this true of public school facilities. Cleveland has the distinction of establishing the first High School in Ohio. This institution was created at the suggestion of the mayor in 1846. The school during the first year was open to boys only, but a department for girls was opened the next year. The advent of the High School created a great ferment. The matter was without precedent in the state, and, it was urged by the hostile faction, was without warrant of law. A special committee of the council took the subject under advisement. The majority reported adversely, declaring the High School illegal and its support as a public charge inexpedient. The dissenting member brought in a minority report and took the opposite stand. The minority report was adopted and the High School was continued the next year on the same basis as before.[1] During the winter the General Assembly enacted a law authorizing the council to establish and maintain the High School.[2] This act removed all vestige of doubt as to the legality of the school. In addition to the public school work of the city an industrial school was established by the council in 1856.

The city provided buildings and equipment and a small yearly monetary contribution, which varied somewhat on either side of $3000. The industrial school was aided a good deal by private benevolences, especially by the Children's Home, and Children's Aid Societies. In fact the entire management of the industrial school was vested in the trustees of the children's Aid Society. The small farm tilled by the inmates of the school provided a large part of the subsistence for the support of the institution. The trustees, as far as possible, secured homes for the unfortunates in their charge, among citizens of the community. The school during the first eighteen years of its existence enrolled more than 5000 pupils.

Occasional changes were made in the size of the board of managers but the election of the board remained a function of the council up to 1859. After this date the board of education was elected by popular vote. Under the old regime the board had little independent power in the management and direction of the financial affairs of the schools. Aside

1 Council Proceedings, 1847, April 15. 2 Act of Feb. 18, 1848.

from the hiring of teachers the board stood to the council much in the relation of a committee, having power only to recommend. The board certified to the council the tax levy but the council used its judgment about accepting the certification. The board could make no expenditure of money for any school or school building without authority from the council. By a change made in 1864 the board was empowered to determine the tax rate and their action was final, the council having no power to revise.[1]. Four years later the board was given full control of all public money raised for school purposes.

After the change was made which threw the board of education open to popular election the school system became badly mixed up with ward politics. The boards were large, containing at one time twenty-five members. In the early days of the school system, when the boards were chosen by the council, men were chosen because of personal fitness. They were men of liberal education, graduates and representatives of Dartmouth, Williams, Jefferson, Brown, Hamilton, Yale, Union and Oberlin.[2] The first acting manager was a graduate of Dartmouth, and served on the board of education fifteen years.[3] Under the elective system the board degenerated, not so much because it was elected by popular vote as because it was a large board and was without a responsible head. Men of fitness on the board were few, and men with long experience in the work were fewer. The average length of membership from 1882 to 1892 was not more than a year and a half. The effect of frequent changes and large boards will be discussed under the reform movement.

The standard of scholarship in these schools stood high when compared with the public schools of other large cities of the state, while the cost per pupil has been considerably less.

When the cost for tuition in Cleveland was $14.17 per pupil the cost at Cincinnati was $17.40.

An important adjunct to Cleveland's Public School System is the manual training school. This local institution has its origin in a stock company incorporated in 1885, with a capital stock of $25,000. A building was fitted up near the Central High School where the boys might learn the use of

1 Act of March 25, 1864.
2 Freese's Early History of Cleveland Public Schools, p. 69.
3 Freese's Early History of Cleveland Public Schools, p. 76.

tools and machinery, and receive instruction in mechanics, physics, chemistry and mechanical drawing. The General Assembly granted permission to the school board to levy an annual tax of one-fifth mill for the support of the institution. A charge of $5.00 per term is made to each pupil to pay for materials used during the term. The institution has been rather popular among the boys. In 1888 out of a class of 75 boys who entered the Central High School, 48 of them began at the same time a course in manual training.[1]

Character of the Government of this Period.

This we may call the formative period of the municipal government. Settlers came together here from different states of the east and from foreign countries bringing with them the ideas of local government prevalent in their former homes. These ideas underwent more or less modification by coming in contact with opinions of different shades. The result was a government containing much that was common to cities in the older states, and some things which were adaptations of older institutions to new conditions. There was no conscious attempt to copy any existing form, but the institutions of government were a growth out of peculiar needs. The earliest corporate organization was set adrift by the state to work out its own institutions and destiny, being comparatively free from state interference. There is apparent a tendency on the part of the state toward the close of the period to extend a stronger central control over the municipal affairs.

The division of administrative functions between the executive and council was apparent, but the preponderance of power was with the council. In finance the government was characterized by close restriction on the part of the state, followed by full local liberty, which again brought its opposite policy of state restriction followed by a chaotic condition of financial affairs, a disregard of budgetary provisions, and an era of municipal debt-making.

The latter part of the period is characterized by municipal support to railroads and public enterprises which laid the foundation for future development and greatness.

1 I have treated the school system connectedly because the organization of the schools was not affected by the Act of 1852.

Furtheremore there was the division of the council into the executive committees, which, as governmental functions increased, developed into separate executive departments with on or more commissioners in charge. The commissioner or board system did not reach its full development until after the adoption of the municipal organization act of 1852. The wants of the city during most of this period were simple, and the machinery for supplying them partook of the same nature. Judged by the standard of that time the affairs of the city were fairly well managed. We will now consider the changes which took place after the adoption of the constitution of 1851.

PART II.

CLEVELAND UNDER GENERAL LAWS.

CHAPTER I.

The Municipal Organization Act of 1852.

It was now almost fifty years since the constitution of 1802 was drafted and adopted. Political, economic and social conditions had undergone radical changes in the half century just closing.

The management of urban affairs had developed into an intricate problem, a problem which the constitution makers of that time were not able to solve, though a brave attempt was made at its solution. Several delegates to the constitutional convention of 1851 were satisfied that a change in the method of legislation for cities would work no harm at least.[1]

Corporations, especially those of a private nature, had rapidly multiplied. A belief was made manifest "that all the corporations of the State could be as well regulated by general as by special acts of incorporation by some classification of cities by the number of inhabitants or by some other manner which might be thought prudent by the legislature."[2]

There was no loud and emphatic call for change from any quarter. The provisions under the constitution of 1802, for the government of cities had worked no injustice to the governed for the correction of which the delegates to the convention of 1851 had assembled. In all the speeches delivered in this convention on the subject of municipal government there is an entire absence of charges that the system of special laws tend to produce or foster local evils. The cities were fairly well governed if measured by the standard of that time. The change was sought not so much to improve municipal government as to strengthen the gen-

1 Convention Debates, 1850, vol. 1, p. 304.
2 Convention Debates, 1850, vol. 1, p. 304.

eral interests of the state. The evils to be corrected came not from municipal corporations, but from private corporations. "Three-fourths of the legislation for several years past had been been responsive to the petitions of men who came up asking to be associated for certain specific purposes with certain powers guaranteed them."[1] So much time was consumed in the consideration of the private matters that little time was left for business of a more general nature. That these private corporations could be just as well organized under general laws was pretty generally believed. Why should not municipal corporations be included? The committee on corporations other than banking, in their individual capacity were not positive on the subject, but all were willing to make the experiment, or at least to make a unanimous report to the convention.[2]

There was a feeling that it would have a tendency to improve legislation affecting cities, as all laws being general in their application would have the careful consideration of all members of the legislature.[3] The debate on the subject of corporations was long and was characterized by a good deal of fervor, but almost the entire discussion related to private corporations. The sentiment in favor of general laws prevailed, and the constitution received the ratification of the people.

The General Assembly at its session in 1852 took up the burden of providing for the organization of corporations under general laws, and passed the General Municipal Organization Act on May 3, 1852. This act divided the cities of the state into two classes. Those with a population exceeding twenty thousand inhabitants were deemed cities of the first class, while all others were deemed cities of the second class.[4]

The direct limitations upon the powers of cities which by the authority of the constitution the General Assembly was enjoined to impose were restrictions of the power of taxation, assessment, borrowing money, contracting debts, and loaning their credit.[5]

As the municipal organization act did not become a law till May 3, 1852, the spring elections had already been held. The act did not take effect till April, 1853. By that date

1 Convention Debates, 1850, vol. 1, p. 305.
2 Convention Debates, 1850, vol. 1, p. 304.
3 Convention Debates, 1850, vol. 1, p. 306.
4 Act of May 3, 1852, sec. 41.
5 Constitution of Ohio, 1851, art. XIII., sec. 6.

the population had sufficiently increased that Cleveland became a city of the first class. The effect of the change from one class to the other, or more correctly the change from the old organization to the new may be seen in the great increase in the number of offices filled by popular vote. The officers elected by the people in 1852 were mayor, aldermen, treasurer, marshal, sexton and councilmen. In 1853 the electors were called upon to choose mayor, police judge, police clerk, prosecuting attorney, commisioner of water works, directors of infirmary, three street commissioners, marshal, auditor, treasurer, solicitor, fire engineer, harbor master, sexton, superintendent of markets, sealer of weights and measures, city weigher, civil engineer, two trustees (councilman) from each ward, and the ward assessors. Besides these there were the township officers consisting of the constable and justices of the peace. Surely this was a ticket which must have gladdened the soul of the most democratic citizen. The law makers though they had gotten rid of special legislation by this act, but in less than four years after its enactment the legal profession found a loop hole through which laws could be passed, general in form, though special to all intents and purposes. The result of this has been the passage at every session of the General Assembly of a great many special acts under the guise of general laws.

The most glaring defect of the Act of 1852 lay in the fact that it sought to bind round the cities of the state a municipal strait jacket. When the patient became feverish it succeeded in breaking the bands. Instead of organizing the municipal corporation on principles the most general possible, and leaving to each city the greatest amount of local autonomy, the liberty to formulate its government to suit the conditions incident to geographical position, economic and social development, the Act of 1852 went into a minute enumeration of powers.

The two most noteworthy points under the Act of 1852 were the lessening of the powers of the mayor, and the rapid multiplication of boards as the administration of affairs became more complex and difficult. The mayor became a sort of perfunctory signing agent for the municipality. He became less of a police officer having been relieved of police court duties through the election of a judge of police court.

He still performed such duties when the police judge was unable to be present, or incapacitated for duty.[1]

Under the old charter the mayor exerted a good deal of influence in the directing of affairs. Being president of the council he always appointed the standing committees as has already been noted, and his recommendations were given respectful recognition.[2] Under the new charter the mayor was entirely separated from the council. Altho by a later act[3] he was again made the nominal president of the legislative body he rarely exercised this prerogative. The council president appointed the standing committees, therefore the position of mayor in the council was one of official dignity rather than of real power. It was evidently expected that the mayor would be a more or less influential member of the committees on which he was a representative, but whatever influence he exerted there was due to his personality, and not to his executive position. That the mayors keenly felt their importance in the management of the affairs of the city, and that their authority was more nominal that real may plainly be seen in Mayor Flint's farewell address to the city council in April, 1863. Said the mayor: "It is generally assumed that the mayor has some authority over the different officers and department; but under our charter his sole power is to dismiss one or all the subordinate police, which extreme power of dismissal, however, mere comity towards the marshal, who, by law, is constituted their superior, forbids him to exercise, except the marshal desire it. This having a so called executive officer with power to execute nothing of any particular import, either to check reckless expenditure or to put a stop to unnecessary additional indebtedness or to compel under penalty the faithful performance of plain duty by the different officers of the several departments may be good policy, but it is full time it should be more generally accepted as an undeniable fact that our Executive officer is practically without real executive powers, the only proper measure of his official responsibility." However, the mayor's position became somewhat strengthened after the first decade. The saying, that the remedy for democracy is more democracy had found its fulfillment in throwing almost all the offices open to pop-

1 Ordinance of June 14, 1854.
2 Council Proceedings, 1838, June 6.
3 Act of April 5, 1856.

ular suffrage and the subsequent restriction of popular choice to the more general officers of the city government. There began to be a slight gravitation of power toward the chief executive though there were with one exception, the usual checks and balances exercised over his newly acquired powers by the council. His general superintending functions were emphasized by a new act.[1] In the appointment of civil engineer,[2] fire engineer and park commissions[3] the mayor's power was co-ordinate with that of the council, while in the appointment of the chief fiscal agent the mayor's power became absolute after 1889.[4] The early extention of the term of office of the mayor to two years was an important step in strengthening the executive department of the government. The mayor was made a member of the board of health, improvements and revision, and was a sort of chief of police.

City Council.

The composition of the council was slightly changed, the office of alderman being abolished. As both kinds of members under the old charter had composed but one chamber this change was of little importance so far as its effect on legislation was concerned. The council was composed of two members from each ward, one retiring each year. Having half the members retire each year gave the same continuity to the life of the council as classifying the aldermen under the old charter.

Setting aside the judicial function as a constant quantity and always falling to the courts, the older functions of the city government, we may say, were divided between the executive and legislative branches of the government.

As the powers of the executive were diminished under the new charter, it follows of course, that those of the legislative branch were increased. The most far reaching change introduced has already been noted in connection with the mayor, that which transferred the appointment of standing committees from the mayor to the presiding officer of the council. As much of the business of the council, both of the legislative and administrative nature was executed in committees that was an important change.

1 Act of April 5, 1856.
2 Ordinance of May 21, 1867.
3 Ordinance of August 22, 1871.
4 Revised Statues, 1890, sec. 1766.

The extension of old, and the creation of new, institutions had its source in the council. The creation of such subordinate offices as were needed for efficient administration was a power of the council, and it was with them to decide whether the office be made elective or filled by council appointment. There was no uniform rule, sometimes the one method prevailed, sometimes the other. All powers not delegated to other agency by the charter resided with the council. It exercised a regulating power over all other officers and departments and except in cases where limits were set by the General Assembly (and these were rare) set limitations upon the powers and authority of the other departments. The municipal patronage of the city was divided between the council and the boards in its ultimate distribution, but primarily most of it was at the disposal of the council.

The effect of this policy of council distribution of patronage has been the same throughout American municipalities, and has tended to corrupt and render unsavory the legislative branch of the government.

Annexation of Ohio City.

There grew up on the west side of the Cuyahoga river a settlement which developed into a city. It received its charter of incorporation as such a few days before Cleveland received hers, and was christened Ohio City.

These two cities were bitter rivals, and at one time engaged in a pitched battle, the cause of which was objection on the part of the west siders to the construction of a bridge across the Cuyahoga river. Fire arms were displayed. A field piece was posted on the Cleveland side to rake the bridge, but the west siders got possession of the field piece and spiked it.

Men on both sides were seriously wounded. The dispute was finally settled by the court.[1] The existence of these two separate municipalities on opposite sides of the river with the intense hatred of each for the other was a grave hindrance to the transaction of business in which they were mutually concernd. Agitation for union had been on for some years. The proposition had been voted on and de-

1 Council Proceedings 1836, Nov. 7.

feated. It was not till 1854 that the rivalry and hostility between the two places had so far subsided that they decided to be merged into one corporation.

On June 6, 1854, Ohio City became the eighth, ninth, tenth and eleventh wards of Cleveland. This increased the city about one-third both as to territory and population. According to the terms of agreement Cleveland assumed all of Ohio City's indebtedness which was about $60,120 in bonds already due or falling due in 1864. It was stipulated by the commissioners on annexation that no benefits to accrue to Cleveland from the indebtedness incurred or assets received from railroad investments should ever enure to that part of Cleveland which formerly comprised Ohio City. And in turn Ohio City was free from any obligation arising from indebtedness on railroad stock. Any surplus after paying indebtedness was to be expended in the purchase of parks and public grounds in Cleveland east of the Cuyahoga river.[1]

This stipulation was not carried out, but the railroad surplus was appropriated to the liquidation of the water works indebtedness. This increase in population and in territory necessarily called for an extension of the machinery of government. This was about the time when Cleveland began to make rapid strides in material advancement. Industrial enterprise every year attracted large bodies of laboring men and their families. This growth in population and wealth was followed by marked institutional development in the city's government.

Police Department.

The police department remained in a rather rudimentary condition for at least two decades after the adoption of the city charter, and the legislation for some time after the law makers set about solving the police problem is an exhibition of good intentions and a failure to realize the same. The way in which the police problem was taken up indicates doubt and uncertainty as to where to vest the authority, and to whom the department should be responsible. The frequent structural changes in the department indicate plainly a good deal of dissatisfaction. At first it was left with the council to decide whether the chief of police, his lieutenants and the night watch be appointed by the mayor

1 Mayor's Annual Message, 1856.

or elected by popular vote. After two years of experimenting the mayor, who was the nominal head of the police force, was authorized to appoint the chief of police and his assistants with the advice of the council. The police force at this time consisted of a chief, lieutenant and two day policemen.

The night force was composed of twenty men. The size of the force varied somewhat from year to year. A spirit of retrenchment occasionally seized the mayor and council. Their economy in the police administration on such occasions took the form of reduction in the size of the force. In 1859 the mayor deemed the office of lieutenant superfluous and therefore allowed it to be vacant the entire year. The night force was reduced to two-thirds its former size. The administration by this move saved about $2200 in salaries. This was a remarkably small police force considering that Cleveland at this time had a population of 60,000 and was scattered over a large territory.

The civil war had some influence on the police organization. Cleveland having been designated as a point for the collection and drilling of troops the police problem became a more difficult one to deal with. There was a considerable number of men whose sympathies were with the Southern Confederacy. The presence of recruits in the city had a tendency to exicte the turbulent spirits to outbreaks of violence. However, by increasing the force peace was preserved moderately well, though there were one or two serious outbreaks.[1]

The force was reduced somewhat after the removal of the troops, but the fear of raids from the south, and from Confederate refuges and sympathizers in temporary residence in Canada,[2] necessitated the maintainance of a force somewhat larger than was maintained under normal conditions.

The economic conditions resulting from the war made a revision of the laws governing police administration necessary.

The department was running in debt rapidly, owing to two causes. First, on account of the higher wages paid to policemen, the result in part of depreciated currency, Second, on account of the necessary increase in the size of this force. The department had been running ahead of its in-

1 Mayor's Annual Message, 1862, p. 7.
2 Cleveland Annual Report, 1865, p. 7.

come for several years. The receipts for 1858 were $9,730 while the expenditures were $14,571.

Again in 1865 the receipts were $20,322 while the expenditures were $48,924.[1] These figures indicate the need of radical change in the source of the police fund, or in its distribution. There were defects in the fundamental law governing police administration.

The authority of the marshal gave him discretionary power to discharge persons committed for non payment of fines. The frequent exercise of this power on the part of an executive officer rendered nugatory the judgment of the courts.[2] The General Assembly took up the police problem in 1866.

As already indicated there was need of change or revision in the laws governing police administration, but the action of the General Assembly was characterized by extreme partisan spirit. The result of its police legislation could not long abide. The state legislature provided for a metropolitan police board composed of the mayor ex-officio and four commissioners appointed for a term of eight years, by the governor of the state. This law was dictated by purely partisan motives. The Democrats were in power in the local government, while the Republicans were in the majority in the state government. The Republicans saw an opportunity to wrest some of the political machinery from democratic control and they seized the opportunity. This legislation of course could have no permanence, and was repealed by the next General Assembly in 1868. The organization and control of the force was still vested in a board of commissioners but the board was made elective. One noteworthy point in the power of this board was its absolutism in the estimating of expenses.

There was a maximum limit fixed by the law, but the council had no power of revision so long as the estimate was kept within this limit. Under the change made in 1868 the city was divided into four districts, in each of which a police commissioner was elected by popular vote. Vacancies in the police force were filled by promotion from the lower ranks according to merit. The police funds were derived principally from general taxation, supplemented by the proceeds from the police court. This part of the annual budget

1 Cleveland Annual Report, 1865, p. 7.
2 Cleveland Annual Report, 1865, p. 9.

like that of every other department was utterly disregarded.

The statutory rate was scrupulously observed, but expenditures were not governed by the amount of funds in the annual budget for police purposes.

In 1856, which may be taken as an average year, the conditions not being extraordinary, the receipts from general taxation for the police fund were $10,483. The proceeds from the police court were $5,425, which made a total of $15,908. The expenditures in the department were $19,718. Therefore, there were overdrawn orders on this fund to the amount of $3,810. Of this amount $2,424 was a deficit inherited from the previous year. The deficit increased every year. At the end of 1861 it was over $10,000. This deficit was probably due in large measure to the increasing cost of labor. It was not until after the close of the war that the receipts and expenditures of the department were brought into any kind of adjustment. The police expenses constituted about one-fifth of the entire budget. Extravagance and unsystematic administration were partly responsible for annual deficits, but the revenue was insufficient for the actual needs of the department. The rate for police protection was governed to some extent by the rate demanded for other cities. But no other city in Ohio has its population so widely dispersed as Cleveland, therefore the expense of providing adequate police protection was, and still is, greater in proportion to the number of inhabitants in Cleveland than in other cities of the state.

The department for several years had a very unsavory reputation. First hand, positive proof against the morality of the force is not to be had, but the fact that receivers and sellers of stolen goods could do business in the city for years and were known both at home and abroad should be unknown to the police force; that damaging charges made by a "notorious criminal' on trial in a neighboring city, against several members of the force were not investigated by the department; that detectives coming from other places to look up stolen goods absolutely refused to consult with the local force lest the receivers should be notified to hide the goods; that after the term of one of the police commissioners had expired he acted as secretary protem of the board at a meeting in which the resignations of two members of the detective force against whom the charges had been made were accepted, thus putting them beyond the

reach of an investigation[1], forces upon the student of Cleveland municipal affairs the conclusion that the police force was not all that could be desired. A wide spread belief that the police force stood in with a gang of thieves wrought a gradual change in the personnel of the board of commissioners. The force was reorganized and some changes made. The experience of a few years demonstrated the fact that an efficient police force must have centralized management. In 1883 the police commissioners placed the entire management of the force under the control of the superintendent thereby breaking up the old method of interference with the members of its force by the commissioners as individuals.[2]

The department was materially strengthened in 1886 by the introduction of the patrol wagon. The policy of the department has been to provide one policeman for about each seven hundred inhabitants. This means that patrolmen is some of the outlying districts must cover a beat of four to seven miles. The proper patrolling of the city with the regulation number on the force is an impossibility.

Fire Department.

In 1862 the volunteer plan of organization was completely changed. It is hardly necessary to spend the time to inquire why, since the volunteer fire company has always been pronounced unsatisfactory after a trial. The organization of the department was put into the hands of the council, though there was a noticeable tendency to make the mayor the responsible head of the department. An important change inaugurated in 1864 by the introduction of the tele graph system, and the complete reorganization of the department by the introduction of steam engines and a paid service. In 1867 the fire engineer was made an appointee of the council on recommendation of the mayor, which was equivalent to appointment by the mayor.

The complete reorganization of the department was then delegated to the chief engineer and the council committee on fire and water. They appointed new men to the force, and discharged such as proved unfaithful or inefficient.

The management of the department indicated great lack of economy and financial foresight. In three years (1870-

1 Mayor's Annual Message, 1874, p. XXX.
2 Mayor's Annual Message, 1883, p. XXI.

73) it had overdrawn its funds more than $200,000. While some extensions of the service had been made they were not sufficient to warrant such an increase of indebtedness. The most objectionable feature was that it was made without warrant of law by overdrawing funds. The extravagance and wastefulness of the department were the cause of its reorganization in 1874. The reform in the department was begun in the fashion in vogue, by creating a new commission. The board of fire commissioners established in 1874 was composed of the mayor, chairman of the council committee on fire and water, and three members selected by the concurrent action of the mayor and council.[1] Council approval was required in all contracts greater than $500 in amount. No officer or member was to be appointed or removed on account of religious or political opinion, nor to participate in the political campaigns or conventions of any political party.

The difficulty is always to sustain a reform movement. Relaxation of vigilance was followed by reaction. The evils of the board system manifested themselves here earlier than elsewhere. As is pretty sure to be the case where there is no responsible head, the management of the department was unsatisfactory. Charges of irregularity were brought up. A council committee was appointed to investigate. They reported that they had found no intentional wrong doing, only lack of business methods, engine houses built without written contracts, and without letting them to the lowest bidder. A second committee was appointed which brought in a very damaging report against the department, such as the mutilation of books, false reports, building telegraph lines for outside parties with materials owned by the city. The report was referred to the newly organized board which reported back that it had no authority to look into the work of the previous board, so there the matter ended. But something had to be done. There had to be a remedy provided against such abuses and irregularities. The remedy hit upon was that of making the board more democratic.

In 1876 the board was made to consist of the chairman of the council committee on fire and water, together with four citizen members elected by popular vote, for a term of four years, one term expiring each year.

1 71 O. L. 38.

This continued to be the plan of organization until the change under the federal plan in 1891, except that during the four years under the bicameral experiment the aldermanic chairman of the committee on fire and water was a member of the board. In 1888 some precautionary steps were taken by the enactment of a system of building regulations, and by the appointment of a building inspector and assistants by the mayor and council.

Water Works.

The city in 1854 took the steps necessary to furnish the citizens with water. There was great need of an increased water supply. The buildings at this time were mostly made of wood. Fires were numerous, so numerous as to lead to the conclusion that they were of incendiary origin in many cases. Being obliged to depend upon reservoirs filled from wells near at hand sunk for fire purposes, the fire department was hampered in its effort to arrest the progress of fire because of inadequate water supply. The rapid growth of the city and the consequent necessity of digging new wells and building new reservoirs to furnish an adequate supply of water was becoming an important item of expense. Besides the ravages by fire resulting from insufficient water facilities, sanitary conditions called for a new source of supply.

The soil of the lake region is a loose sand which allows water to filter through quickly. Under this sand is a layer of clay which is almost impervious to water. These strata have an upward slant from the lake. The higher portions of the territory being built up, a constant filtration from the cesspools in the elevated portions of the city tended toward the lower portions near the lake, and rendered the water of the wells extremely filthy. Even in the construction of sewers this seepage became very obnoxious to workmen in the public works department[1] and was detrimental to health. Application was made to the General Assembly in 1854 for permission to issue bonds for the construction of water works. Permission was given with the referendum condition. The question was submitted to popular vote, and an emphatic decision in favor of a bond issue

1 Engineer's Report, 1862, p. 30.

was rendered. The credit of the city was good, and the bonds were disposed of at a fair premium. The work of construction was immediately begun. In two years the work had advanced to such a stage that the city was able to furnish lake water for the state fair which met at Cleveland in 1856. The issue of $400,000 in bonds was not sufficient to complete the plant. There had been expended up to Jan. 1, 1856, $345,644.

There was needed yet for the completion of the work $140,000. Another bond issue of $100,000 was voted. The whole issue of $500,000 was sold at such a premium as to avail $523,038 after paying all expenses of issue and sale.[1] The interest on this fund for the first year had to be met by general taxation, but when the system was constructed the tax was levied on the taxable property adjoining or bounding upon streets through which water pipes passed.[2] Private aid was given in the extension of distributing lines. The department not having the necessary funds for extension work, in order to avail themselves of the water facilities some citizens advanced the cost of pipes and of laying them. The trustees gave them a rebate on the water rent equivalent to seven per cent. on the cost advanced, and reserved the right to assume possession of the pipes on payment of their original cost.[3] According to the terms of annexation of Ohio City in 1854 the Cleveland investments in railroad stock were not to be used in that part of Cleveland west of the Cuyahoga river, but were to be used for park purposes on the east side of the river. The authorities did not carry out this agreement, but obtained the consent of the General Assembly to create a sinking fund to which they appropriated the proceeds growing out of their railroad investments.

This fund was set apart to pay the principal of the water works bonds which had been issued. The $550,000 set apart in 1862 had increased in 1875 to $1,761,543.44 which was more than enough to pay the entire water works debt. As the dividends and returns from the railroad stocks had been sufficient to pay the subscriptions, we may say the water works plant cost the taxpayers no direct outlay, except for interest. The policy of the department has been to make the earnings of the plant pay the cost of extension

1 Trustees Report, 1857.
2 Act of April 1, 1856, sec. 26.
3 Trustee's Report, 1857.

as well as the operating expenses. The interest charges were met in part by the earnings. The water tariffs were arranged on a graduated scale favorable to the large consumer. The cost when a less quantity than 500,000 cubic feet was consumed in six months was about one mill per cubic foot; those consuming a greater quantity paid about one-half mill per cubic foot. The cost for an eight room house was about twelve dollars per year. The source of the water supply is Lake Erie, and as this is the termination of the sewage system, and was for many years the dumping ground for the city's garbage the water supply became very much contaminated. In order to secure a purer supply, work was begun in 1869 on a lake tunnel which was pushed out nearly two miles under the lake bed. This tunnel was completed in 1874 at a cost of $325,000. The effect exhibited by analysis on the quality of water was as follows: In 1873 solid matter held in solution 240 parts in one million. In 1874, 131 parts in one million.[1].

Another tunnel was constructed later, and a third is under course of construction, and when completed will extend almost five miles out under the lake bed. Through the two tunnels completed the city pumps its water. The plant has a capacity of 25,000,000 gallons daily which means over one hundred gallons per inhabitant. The entire cost of water works plants up to 1898 was $8,833,471. In return for this the city has always had an abundance of water, reasonable rates, and the net annual returns are about 5½ per cent. on the entire cost of construction.

The control and administration of the water works department was vested in a board of three trustees elected by popular vote; board continuous. This board was given authority to manage the entire business of the plant, furnish supplies of water, collect water rents, appoint all necessary officers and agents, determine their salaries and term of service. It made monthly reports to the council of receipts and expenditures and an annual report for the benefit of the public. In its relation to the central organ, the council, the board was almost independent. The outside control over the department was only a council power to appoint a committee to examine the books. Said Mayor Farley: "Of the water works department but little is known, as it is as near a close corporation as could be de-

1 Trustee's Report, 1874.

vised. Its salaries are high and not subject to approval by the council. Its employees are numerous, and expenditures for various purposes very great. Yet that department handles its own funds without other scrutiny and draws from the treasury in lump for pay rolls that do not pass through the same channel of investigation so wisely imposed upon other departments."[1]

The sewerage system was a correlate to the water works system. The sewerage system was necessary both from a sanitary and an economic point of view. As the two were thus intimately connected the construction of both works was supervised by the board of improvements so as to ensure the greatest degree of economy and avoid conflict of authority. The main sewers were constructed from funds obtained by loan, while all lateral sewers were made by special tax upon property benefitted. A later law made the cost of constructing main sewers a charge upon abutting property, but in no case could the expense exceed two dollars per foot front. The excess was paid out of the sewer fund of the corporation.[2]

Health and Sanitation.

The department of health and sanitation, the germs of which appeared under the first charter in the form of council ordinances, is being perfected by experience. The department was reorganized in 1866, and the board made to consist of the mayor, city marshal, director of the infirmary, city physician, and chairman of the committee on health and cleanliness. The health officer was appointed by this board and held the office during its pleasure. He was assited in his duties by policemen appointed by the mayor, and known as the sanitary squad.

Ten years later the board of health was abolished, and its duties transferred to the police commissioners.[3] This was an experiment which proved unsatisfactory because the police commissioners as a rule were not men who were competent to direct sanitary administration. In 1880 the old system was re-established.[4] The board as constituted under its re-organization was appointed by the council.[5] The

1 Cleveland Annual Report, 1884, p. 10
2 Revised Statues of Ohio, sec. 2384.
3 Codified Ordinances of 1877, p. 172.
4 Ibid, 1882, p. 27
5 Act of March 29, 1880.

defect of the former system was remedied by appointing on the new board a number of physicians of reputation. One of the earliest fruits of the efforts of the new board was the abatement of nuisances emanating from packing, rendering and fertilizing establishments on Walworth run, from which a sickening stench found its way into the business and residence portions of the city. Precautionary measures were required of manufacturers of commodities the production of which was injurious to the health of the producer, factories had to be thoroughly cleansed within certain specified periods. Employers of females were required to furnish them with chairs and allow them to sit down whenever the nature of their work would permit. The plumbing of all new houses is thoroughly inspected by the plumbing inspector before it is covered or in any way concealed. During 1887, 327 written notices were served on plumbers and sewer builders giving notice that their work was unsatisfactory.

The penetration of sewer gas into the houses has given rise to no small amount of annoyance. The outlet of the main sewers being the lake and the river they are exposed to the strong north and north-west winds. The tremendous force exerted upon the interior of these sewers by the winds is sufficient to drive the sewer gas through the traps into the residences. This sewer gas nuisance has been overcome in large measure through ventilating the main sewers by means of perforated lids covering the manholes. These relieve the gas pressure by allowing the gas to escape into the streets.[1]

Considerable attention has been given to the inspection of the food supply. This work is done by special inspectors and their efforts have been attended by good results, which have been most noticeable in the quality of milk in regard to adulteration and dilution. These inspectors have been giving special attention to milk depots, butter, meat and fish markets, groceries, ice cream factories, restaurants, ice and filters.

How to dispose of the city's garbage has, for a long time been a vexed question, and only within the last year has it come to any thing like a satisfactory solution. The plan for a time was to dump it into the lake, but since the lake is the

1 Cleveland Annual Report, 1887, p. 11.

source of the water supply that plan became objectionable. The method next adopted was to have it removed outside of the city under contract, but the garbage man went the rounds only on request sent to the health officer. Very few availed themselves of their opportunity, but either burned their garbage or threw it on the ash heap.

A shed was erected at an out of the way place where garbage from provision stores, fish markets, etc., could be taken and be hauled away every day by the contractor, but this became a nuisance to workmen in the vicinity. It was finally enacted that swill and garbage at every household be deposited in earthen or galvanized iron vessels and had in readiness for the scavenger when he called. The garbage is now removed by a fertilizer company to their plant, and made up into land fertilizer. The city produces from 75 to 150 tons of garbage daily.[1] The local streams have an important relation to the sanitary conditions of Cleveland. The system of sewerage adopted by the city government gave it what was equivalent to two open sewers. These were the Cuyahoga river and the Walworth run. The former extends the entire length of the city from south to north, the latter traverses the western portion from west to east. The Cuyahoga river has a drainage area of about 1000 square miles. The river for the last thirty miles of its course flows to the northwest and empties into the lake at right angles with the shore lines, about mid way between the east and west limit of the city, and divides it into two nearly equal districts. It is a very crooked little stream especially near its mouth. From a point which is not more than two and a half miles from the harbor in a direct line, the river in its meandering course traverses a distance of five miles in reaching the harbor. During the dry months of the year the flow of water in the river is so slow that under the most favorable circumstances it takes nearly two weeks to displace the volume of water contained in the channel between the southern limits of the city and the mouth of the harbor.[2] This causes the river to become a good deal of a stagnant pool. In planning the sewer system only such portions were turned into these channels as could not well be provided for otherwise. But a large part of the

1 Health Officer's Report, 1895, p. 644.
2 Cleveland Annual Report, 1895, p. LXV.

house and surface drainage from a considerable area found its way to these natural outlets.

In addition to this the "filth from the slaughtering houses, oil refineries and manufactories" which are situated on the banks of these streams was discharged into these channels. The hot sun of the summer caused a stench to rise from this filth-impregnated water. Some of the solid matter sank to the bottom of the stream and remained there until it was stirred up by the action of some large steamer, and after giving off its noxious odors sank again to the river bottom only to rise again at the first opportunity. Then, too, in time of an ice gorge at the mouth of the river, the ice of the lake prevents the egress of the ice in the river. When the river ice breaks away it is "forced by the current under the lake ice until it reaches such a depth as to plow up the concentrated filth at the bottom of the river in the lake "just at the river's mouth." This filth finds its way out toward the water pipes and is distributed through the city.[1]

There is always a good deal of sickness in the spring resulting from this cause.

Street cleaning by its relation to health belongs to the health department, but this was in charge of the city commissioners. On account of the width and length of the streets, cleaning, paving and sewering are important items of expense. Street cleaning up to 1884 was done under contract, and was generally unsatisfactory especially on dirt streets owing to the difference in the character of the various streets, and different portions of the same street. No general specifications could be drawn up to meet the requirements, and render the contract system satisfactory. As there were at this time but about 55 miles of paved streets, and 280 miles unpaved, the cleaning of the latter was something of a problem. Not even the paved streets were kept clean. "About the only difference," said Mayor Farley, "under the old method of cleaning, between a dirt street and a paved one is the depth of the mud."[2]. The frequent criticism in the local press indicate that the streets never have been kept in a good sanitary condition. Some allowance must be made for this on account of the heavy expense borne by the city for the maintenance of bridges.

1 Mayor's Annual Report, 1880, p. 29.
2 Cleveland Annual Report, 1883, p. XVI.

If the annual outlay for this purpose could be added to the street cleaning fund the streets could be kept in the best of condition.

Board of Improvements.

The council under the charter of 1852 was relieved of a good deal of responsibility in the matter of public improvement. This work was delegated to the board of improvements, composed of the mayor, civil engineer, and a board of three city commissioners. By a later act the elective membership was reduced to one member.[1] This board supervised the cleaning, repairing, improving, sprinkling and lighting of the streets. Initiative in matters of public improvement was entirely with this board. The council could make no improvements unless recommended by this board, but the board could authorize improvements to the extent of $300 without the action of the council. In recommending improvements the board estimated the cost chargeable upon the city, and the amount to be assessed on abutting property. Monthly estimates of funds required to pay for improvements ordered by the council were submitted to that body with the design of keeping the expenditures within the income. The efficiency of this board was crippled by the constant changes. The civil engineer was the important member. In eight years prior to 1864 there were eight changes in the office. The peculiarity of the situation was that the same men were elected to the office more than once, but not for consecutive terms. This was a most imprudent policy, for it was a difficult matter to get hold of the details in improvements in the course of construction and about to be constructed. In the construction of improvements there was not an intimate relation between the board of improvements, the council, and the legal adviser of the city. During periods of prosperity and real estate speculation street improvements and openings were projected without reference to future results, and in the end the city became involved in serious litigation. The board of improvements with a mere quorum of three members attempted to order improvements. The court held that it was not sufficient for a mere quorum to order improvements which the law had imposed upon five members.[2] The action of the board of

1 Act of March 1, 1861. 2 Ohio State Report, New Series, No. 28, p. 545.

improvements and council gave occasion for the appointment of a tax commission to look into the legal aspect of tax levies. Extensive improvements had been made prior to 1874. The collection of the tax was enjoined by the court. In the cases enjoining the city from the collection of taxes for special improvements the lower courts decided in favor of the city, but the Supreme Court decided against it. In making a reassessment part of the levy was put upon the general duplicate, with a view to conciliating the abutting property owners, but they immediately instituted proceedings when an attempt was made at collection. The board of equilization appointed to apportion these special taxes in 1874 transcended its authority in increasing the amount by $9,000 as estimated by the board of improvements. Their action was confirmed by the council. Proceedings were immediately begun to restrain its collection. The plaintiff in his petition set forth fourteen grounds upon which the assessment was illegal and void. The law[1] as amended in 1873 was the first in Ohio which authorized the assessment of improvements upon property benefitted without reference to frontage or the value of the abutting property as assessed for taxation. This case involved the subject of "special benefits." The court granted a permanant injunction on the ground that some of the steps were illegal.[2] These illegalities in assessment gave rise to the tax commission which was created to examine the legal side of assessments. After this there was less litigation over street improvemnts.

1 Municipal Code of Ohio, 1869, sec. 539.
2 Ohio State Report, No. 34, pp 551 et seq.

VITA.

Charles Snavely was born Nov. 6, 1864, near Massillon, Ohio, His elementary education was received in the district school. He taught one of these schools from 1886 to 1888. In September of 1888 he entered the preparatory department of Otterbein University at Westerville, Ohio. In 1890 he entered the freshman class of this college, and received the degree of A. B. in 1894. From 1894 to 1896 he was engaged in public school work in Massillon, O. In October of 1896 he entered the Johns Hopkins University as a graduate student in History, Economics and Politics, and spent three years in that institution.

In June, 1900, he was elected professor of History and Economics in Otterbein University, where he has remained up to date.